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JHB/JB/29136  
1st November, 1989

Attention: Beverly A. Monroe

Dear Beverly,

Australian Patent Application No. 83109/87  
Your Ref: PM 1267  
Our File: 29136

I enclose the first official action issued in this case, which cites no prior art but objects to the scope of the claims on various grounds.

1. The Examiner would like us to limit the claims to the treatment of tobacco for the extraction of nicotine. The first page of the specification explains that the process can be used more broadly but all the subsequent description is directly specifically to tobacco and nicotine. Please let me know whether you would be content with a more specific claim or whether you want me to argue the point on the basis of the broad statements at the beginning of the specification.

2, 3 and 5.

These objections arise from an aspect of Australian practice (and indeed many other practices) where any feature in a claim must find an exact antecedent in the description. Our Associates can deal with this.

4. The error here is not the lack of an antecedent but the intrusion of a superfluous definite article. This can be deleted.

We are asked for our comments on this objection to the Declaration (a copy of which is enclosed). This is difficult because I am not quite sure what is meant by the "Basic Specification". I suspect this is a reference to USSN 947 102. Could it be that Mr. Howell was not an applicant/inventor in this U.S. application? If not, was he partly responsible for added matter in the CIP?

- continued.....

R.M.G.

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Please let me have an explanation of the history of Mr. Howell's involvement in this case.

The application is due for acceptance not later than 18th October 1990. Please let us have your instructions well in advance of this date.

Yours sincerely,

J. H. Bass

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